

**BOARD OF COUNTY COMMISSIONERS  
WASHOE COUNTY, NEVADA**

TUESDAY

10:00 A.M.

JANUARY 23, 2018

PRESENT:

**Marsha Berkbigler, Chair**

**Kitty Jung, Vice Chair**

**Bob Lucey, Commissioner**

**Vaughn Hartung, Commissioner**

**Jeanne Herman, Commissioner**

**Nancy Parent, County Clerk**

**John Slaughter, County Manager**

**Paul Lipparelli, Deputy District Attorney**

The Washoe County Board of Commissioners convened at 10:00 a.m. in regular session in the Commission Chambers of the Washoe County Administration Complex, 1001 East Ninth Street, Reno, Nevada. Following the Pledge of Allegiance to the flag of our Country, the Clerk called the roll and the Board conducted the following business:

**18-0059**      **AGENDA ITEM 3** Appearance: President Marc Johnson Dean Manos Maragakis Dr. Miles Greiner, University of Nevada Reno - College of Engineering. Presentation and Update on the College of Engineering.

Senator Heidi Gansert conducted a PowerPoint presentation which was placed on file with the Clerk. She spoke about some awards the University of Nevada Reno (UNR) had received and noted they had an enrollment of nearly 22,000 students. The school's budget was \$600 billion and it had an economic impact of \$1.1 billion a year. She anticipated the school's faculty to expand by 400 members by 2022 and the school's impact to grow from \$1.1 billion to \$1.4 billion in that time. She stated there was a new building for the College of the Arts as well as a new dorm, part of the \$500 million in new construction since 2012. She mentioned around 4,400 students graduated each year.

Dr. Manos Maragakis, Dean of the College of Engineering, stated he lead the college for the prior nine years and focused on a vision of national recognition. The school offered students a globally-competitive engineering and computer science education and they did so by striving to be the catalyst for the local economy. As a result of their effort, enrollment at the college had doubled over the past nine years and faculty had increased from 58 to 92. He mentioned the new engineering building should break ground in June which would accommodate the tremendous growth expected to come. He said many companies moving to the area sought to hire UNR graduates. He introduced Dr. Miles Greiner, Chair of the Mechanical Engineering Department.

Dr. Greiner stated the school's administration helped guide the growth at the school. He reviewed the charts in the PowerPoint presentation and indicated enrollments and graduation rates increased because students realized they wanted degrees in analytical fields such as chemistry, biology, and engineering. He noted mechanical engineering was a broad degree and a good place for many to start. He said they were hiring five new faculty members in 2018, two of which were in the field of aerospace. This program was expected to be very popular with students and industry.

Dr. Greiner stated in the Computer Aided Design (CAD) course students used three-dimensional (3D) modeling to create objects via 3D printers. He presented a brief video showing a product being made with a 3D printer. He noted the college of engineering introduced a new minor in manufacturing quality developed in collaboration with Tesla and Panasonic, based on their input as to what skills were important to the manufacturing facility. Regarding the Senior Capstone Design Course, a two-semester sequence seniors took at the end of their time at UNR, he stated it was like a one-year interview by companies in the community. A large portion of students mentored by companies ended up being hired by those companies. He promoted UNR's Innovation Day to be held on May 5, 2018 at which all capstone courses would exhibit for industry to see. He explained how lasers were used to harden surfaces.

Dr. Greiner commented the Palmer Building was built in 1941 but it had undergone extensive renovations including a seismic retrofit to make it safe during earthquakes. He stated students worked on design projects, club projects, and research projects in the advanced manufacturing lab. He said the Palmer Building was now at the center of an engineering complex and a new engineering building was slated to be built.

Commissioner Hartung stated the key to a sustainable economy was good infrastructure and the key to good infrastructure was engineering. He said engineering gave solutions to virtually all problems and everything people touched daily involved engineering. He thanked the representatives of UNR for presenting.

Chair Lucey commented UNR had been a wonderful partner for the County for many years and mentioned he was an alumnus of the school. He said the level of education and innovation that was brought to the area by the school was tremendous and remarked it had started as a small agricultural college. He looked forward to working with the school on future projects.

Commissioner Jung noted the Board of Health had a terrific partnership with UNR's public health division and many Board of Health employees started out as paid interns from UNR's program. She suggested having a presentation quarterly highlighting a different UNR department and agreed the region was perfect for the field of aerospace. She remarked never in her time as an academic was it discussed that education could be a catalyst for the local economy but felt it was fitting since the community was experiencing significant growth in the technology sector. She hoped UNR was working with Truckee Meadows Community College to ensure more students were getting into science, technology, engineering, and mathematics subjects.

County Manager John Slaughter announced Agenda Item 7, which was not an action item, would be heard next.

**18-0060**      **AGENDA ITEM 7**    Appearance: Ron Radil, Executive Director Ed Lawson, WNDD President. Presentation and update on Western Nevada Development District and Project List. [10 minutes.]

Ed Lawson, President of the Western Nevada Development District (WNDD), explained the WNDD was a nine-county coalition that wanted economic development and sought federal dollars to facilitate that. He asked for participation from Washoe County to list future projects in the Certified Economic Development Strategy (CEDS); doing so would show the County was part of the coalition and it would give them points towards matching funds. He noted the City of Sparks was adding as many projects as it could for the lands bill to try to obtain matching federal government funds.

Ron Radil indicated the CEDS was their regional planning document and something the district had done since its formation in 1983. He noted they were in the process of performing an annual update and a major revision was slated for 2019. He mentioned they already had a meeting about goals and strategies and one of the goals was regional collaboration. The economic development in the region was having an impact on schools, housing, infrastructure, and the workforce. He said if a public entity or a non-profit organization applied for funding and could show the project was part of a multi-jurisdictional regional plan, it would receive greater consideration.

Mr. Radil stated the United States Department of Agriculture (USDA) rural development program would assign additional points for any project that met a CEDS goal or was listed in the project listing. He reviewed the examples on page five of the material provided with the staff report. He pointed out the examples of project listings were from a number of different counties and many were related to infrastructure, but other projects such as Main Street Programs could be listed.

Mr. Radil requested the Board provide the WNDD with short and long-term projects they would like included in the CEDS project listing. One long-term project that was included was the reconstruction of the V & T Railway, which was ongoing since a feasibility study was performed in 1992.

Commissioner Hartung referenced the \$9 million received by Humboldt County for wastewater treatment and asked why Washoe County had not applied for any assistance. He was not aware of the opportunity but mentioned the area had a great need for treated, reusable water. Mr. Radil emphasized when making applications, entities needed to consider eligibility, mentioning the USDA had restrictions based on population. Commissioner Jung asked whether the County was eligible to place the development of a master plan for homelessness onto the CEDS, given population constraints. Mr. Radil replied it depended on the source of funding the County was considering, but it could definitely be included as part of the project list.

When asked who from the BCC served on the WNDD board, Mr. Lawson replied Jennifer Rose and Commissioner Herman. Commissioner Jung stated she did not know the County was eligible for this program, to which Mr. Lawson responded Washoe County only became eligible in 2012. He stressed the funding source was important. Rural areas had more access to USDA consideration but larger counties had access to different pots of money that rural areas did not. He cited Douglas County as an entity that had many projects on the list and he was attempting to get the Cities of Reno and Sparks as well as Washoe County to do the same thing.

Commissioner Jung praised the WNDD's annual Economic Development Conference and asked for more information. Mr. Lawson commented Project Manager Sheryl Gonzales had a vision to make the conference large, noting it was held at the University of Nevada Reno (UNR) two years prior and at the University of Nevada Las Vegas last year. He stated they were in the process of forming a 501(c)3 organization and they were meeting with people to try to garner more sponsorships. He mentioned they were moving away from meeting at universities because schools did not want them to discuss marijuana industries, but he stressed those business were important in acting as a stopgap tax measure in Sparks. Commissioner Jung said the County would offer to sponsor the program with printing help and expressed interest in becoming personally involved. Mr. Radil promoted the conference, which would be held on August 20 to 22 at the Atlantis Resort and Casino, and hinted there were many interesting things planned.

Commissioner Lucey stated he knew very little of the work the WNDD was doing. He mentioned he travelled to Cedarville, California to meet with residents of northern Washoe County where they discussed challenges in adequately servicing that area. He added there were many rural projects that would qualify for USDA funding and he wanted to have discussions now to help ranchers. He suggested hosting the conference at the Reno-Sparks Convention Center.

Chair Berkbigler wondered whether they could discuss this topic at the workshop meeting on January 26th and remarked there were many projects that could be added the list. She requested the topic get added to a future agenda and said she was looking forward to the conference in August.

Commissioner Hartung mentioned Assistant County Manager Christine Vuletich was a transplant from Douglas County and suggested she could help. Mr. Lawson stressed the importance of a good grant-writer. He noted bigger counties had advantages over smaller ones in that they had the capital to supply matching funds. He said this was a great opportunity for the County and the Cities of Reno and Sparks.

Commissioner Jung referenced a speaker known internationally for helping communities experiencing growth booms and asked whether the CEDS could help pay for his services. She indicated she was not sure whether the financial responsibility for his appearance would be on Washoe County or regional planning, but she felt it would be a boon for the denser areas of the County.

**18-0061**      **AGENDA ITEM 4** Public Comment.

Ms. Tammy Holt-Still displayed photos which were placed on file with the Clerk. She indicated the Washoe County sewer plant was in the 100-year floodplain despite Nevada Revised Statute and it was sinking from additional effluent water. She expressed frustration about power poles that were not fully installed and the lack of enforcement on Lemmon Drive. She requested a long-term mitigation plan and read a quote that stated all Commissioners took campaign contributions from developers.

Ms. Erienne Overli spoke on behalf of the Reno Area Alliance for the Homeless (RAAH) and said the annual point in time (PIT) count was happening. RAAH was dedicated to preventing homelessness and stakeholders included representatives from law enforcement, business providers, the faith-based community, non-profit organizations, and policy makers. The PIT count was used to apply for Department of Housing and Urban Development (HUD) funding as well as to write grants and design responsive programming. Meeting the HUD requirement brought in \$1.5 million to the community. She indicated the count would take place on January 25 and January 26 and she reviewed the different types of counts and interviews that would occur.

Mr. Chris Feldman stated he and his wife were science professors at the University of Nevada Reno (UNR) and he had twenty years of experience working with wild animals. As the co-director of new Museum of Natural History at UNR, he praised the public exhibit space that attracted 18,000 K-12 students over the prior three years. He stated they worked with local reptile keepers to bring in lizards, snakes, and tortoises, which he said changed kids' perspectives about the natural world. He expressed concern the new ordinance could be too onerous and suggested a license requirement instead of a permitting process. He recommended larger constrictors be moved to Tier 1.

Mr. Paul Hurtado, professor at UNR, reviewed his credentials and expertise with animals. He stated compliance was the main factor in determining whether the regulations improved health and safety. He reviewed several suggestions from his six-page letter to the Commissioners, which was distributed to the Board and placed on file with the Clerk. These changes included altering language in some of the tier definitions, allowing veterinary-approved exemptions to the proposed enclosure requirements, allowing Animal Control to issue permit for longer than a year, making liability insurance requirements more flexible, and dropping the Tier 2 insurance requirements.

Mr. John Potash stated it was not his intent to be adversarial but expressed frustration at being disregarded throughout the process. He claimed mistruths were said by staff after public comment had been made so citizens could not refute the information. He acknowledged some of the Commissioners recognized citizen concerns but felt like some of the changes implemented to address the concerns were also bad. He stated they were willing to find reasonable compromises but felt the proposed ordinances violated citizens' rights and created animal welfare concerns.

Mr. Tim Stoffel provided handouts summarizing citizen concerns which were distributed to the Board and placed on file with the Clerk. He praised the Board for removing the breeding ban. He remarked there was so much non-compliance because the regulations were bad but he felt adding more regulations was not the solution. He indicated requiring fencing for Tier 3 cats would be more prudent than imposing insurance requirements. He wanted to revisit the code to ensure it would work.

Mr. Phil Goss, President of the United States Association of Reptile Keepers, noted no one from the general public spoke in favor of this ordinance. He felt the law would punish those who sought to be in compliance and predicted many would ignore the ordinance. He wanted to create a working relationship with Animal Services to create a proper ordinance and requested the Board vote no. He expressed concern that liability insurance was still written as *per animal* in the ordinance, which could cost a citizen \$5,000 to \$10,000 annually.

Mr. Garth Elliot stated the Sun Valley Citizens Advisory Board (CAB) had been in existence since the 1970s. He praised the Board for allowing General Improvement District (GID) members to sit on a CAB board but mentioned GID meetings were scheduled at the same times as CAB meetings. He said he would apply to get back on the Sun Valley CAB. He felt the County was hiring too many people and claimed one employee's salary could fund the entire CAB program.

**18-0062**      **AGENDA ITEM 5** Announcements/Reports.

County Manager John Slaughter mentioned the Board would enter into a closed session in the noon hour and stated Agenda Items 15 and 16 would not be heard before 1:30 p.m. Chair Berkbigler confirmed those statements.

Commissioner Lucey noted he participated in a meeting in Cedarville, California to meet with the Bureau of Land Management (BLM) regarding the Environmental Stewardship Program. He noted it was a productive conversation and expected recommendations from BLM by the end of February. He said he participated in a meeting with ranchers regarding their needs and had a conversation with Diane Stobiecki of the Vya Conservation District. He noted Honey Lake was also full of water and neighboring counties were experiencing challenges emptying their lakes as well. He mentioned the County should continue to help its residents but everyone should understand there was no way to get rid of some of the water. He noted the recent Sheep Show drew more than 2,000 people to the area, many of whom were high-end international hunters. He met with Department of Wildlife Deputy Directors from Nevada and Arizona who provided him with information about the lands bill.

Commissioner Hartung thanked Commissioner Lucey for attending the BLM meeting in his stead. He remarked he received the same bill twice for his alarm system and expressed concern the company was trying to get people to pay twice. He noted the County was working with the Sheriff's Office to resolve the issue. He commented he attended a Regional Transit Commission (RTC) meeting where they

discussed modifying transit routes to maximize ridership. He looked forward to seeing solutions to address senior citizens' concerns and to address changes in where affordable housing was located.

Commissioner Jung cited a news report about the significantly increased visitor rate to the area and praised both the Reno-Sparks Convention and Visitor's Authority and the region for making it a tourist-friendly area. She attended a meet-and-greet with Medal of Honor recipient Col. Donald "Doc" Ballard and lauded his work with veterans regarding suicide prevention. Regarding the homeless point in time (PIT) count, she mentioned a few years ago it was concluded there were only three homeless youth in the County. She stressed the importance of the count and asked people to donate socks, underwear, and deodorant to the Eddy House. She planned to volunteer for the PIT count.

Commissioner Herman noted she also visited Cedarville to speak with the Vya Conversation District. Additionally, she attended a Nevada Association of Counties (NACO) meeting with Mr. Slaughter. Commissioner Hartung noted he would have attended the NACO meeting but the date was changed and it conflicted with the RTC meeting. He requested alternates be appointed for all boards where they could be appointed to accommodate for circumstances such as this. Chair Lucey added the date had been changed because of conflicts with the outgoing and the incoming NACO presidents. He mentioned NACO was a tremendous help with the lands bill and wished incoming President Lawrence Weekly well.

### **CONSENT AGENDA ITEMS – 6A1 THROUGH 6H2**

- 18-0063**      **6A1** Approval of minutes for the Board of County Commissioner's concurrent meeting of December 12, 2017 and regular meeting of December 19, 2017. Clerk.
- 18-0064**      **6A2** Approval of minutes for the Board of County Commissioner's regular meeting of November 28, 2017. Clerk. (All Commission Districts)
- 18-0065**      **6B** Approve roll change requests, pursuant to NRS 361.765 and/or NRS 361.768, for errors discovered on the 2017/2018 secured tax roll and authorize Chair to execute the changes described in Exhibit A and direct the Washoe County Treasurer to correct the error(s). [cumulative amount of decrease to all taxing entities \$12,786.15]. Assessor. (Commission Districts 1 & 3)
- 18-0066**      **6C** A Resolution Requesting the Assistance of the Attorney General in the Prosecution of James Upton Due to a Potential Appearance of Impropriety and Other Matters Properly Related Thereto. District Attorney. (All Commission Districts.)
- 18-0067**      **6D** Approve amendments totaling an increase of [\$2,673] in both revenue and expense to the FY18 Food Retail Program Standards Program - Joint

Nevada Food Safety Task Force and NevEHA Annual Educational Conference Grant Program, IO 11463; and if approved direct the Comptroller's office to make the appropriate budget amendments. Health District. (All Commission Districts.)

- 18-0068**      **6E** Approve purchase of software licensing for VMWare NSX Enterprise from CDW Government at a cost of [\$119,778.60] for a one-year term. Technology Services. (All Commission Districts)
- 18-0069**      **6F1** Acknowledge a grant award of [\$10,000, no County match required], awarded to the Second Judicial District Court from the Lee F. Del Grande Foundation, retroactive December 1, 2017 through June 30, 2018 for the Family Peace Center, and direct the Comptroller's Office to make the necessary budget adjustments. District Court. (All Commission Districts.)
- 18-0070**      **6F2** Acknowledge a bequest of [\$9,500], from the estate of Deborah Lee Lumkes, Deceased to the CASA Program of the Second Judicial District Court, and direct the Comptroller's Office to make the necessary budget adjustments. District Court. (All Commission Districts.)
- 18-0071**      **6F3** Approve to reappoint one attorney member and appoint two non-attorney members to the Law Library Board of Trustees. It is recommended that Clayton Brust serve as an attorney member for a two-year term expiring on January 31, 2020, Cortney Young serve as a non-attorney member for a two-year term expiring January 31, 2020, and Kathi Lutsch serve as a non-attorney member for a one year term expiring January 31, 2019. Candidates will satisfy the attorney position and non-attorney positions required for the Law Library Board of Trustees. District Court. (All Commission Districts)
- 18-0072**      **6G1** Approve to re-appoint Ms. Barbara Kinnison to the Washoe County Audit Committee to retroactively fill a two-year term beginning January 1, 2018 and ending December 31, 2019. Manager. (All Commission Districts.)
- 18-0073**      **6G2** Approve to award Washoe County Bid No. 3036-17 for the development of the Gerlach Economic Development Plan to include inventory of assets, economic development strategy, and action plan; to Better City, in the amount of \$101,710 [project funded by Community Development Block Grant \$98,750 and Washoe County \$2,960]; and if approved authorize Purchasing and Contracts Manager to execute the contract. Manager. (Commission District 5.)
- 18-0074**      **6G3** Approve [payment of \$27,551] to Tahoe Regional Planning Agency pursuant to the Tahoe Regional Planning Compact (Article VIII, Public Law 96-551, December 1980). Manager. (All Commission Districts.)

**18-0075**      **6H1** Approve Professional Services Agreements for both Neighborhood Justice Center, and Mandatory Mediation Program to Neighborhood Mediation Center, 200 Ridge Street, Suite 230, Reno, NV 89501 in the approximate amount of [\$134,750] and authorize the Purchasing and Contracts Manager to execute the agreement for Professional Services for the initial term of July 1, 2017 through June 30, 2018 with two (2) one-year renewal options. Reno Justice Court. (All Commission Districts.)

**18-0076**      **6H2** Approve an adjustment to the Reno Justice Court budget for by moving [\$1,950.00] from the budget in the Professional Services line item to the Travel line item. Reno Justice Court.(All Commission Districts).

There was no public comment on the Consent Agenda Items listed above.

Commissioner Jung read Agenda Item 6F2 and explained the CASA program advocated on behalf of children placed in foster care. She thanked the Estate of Ms. Lumkes. Regarding Agenda Item 6F1, she said the Family Peace Center was where individuals going through the custody process were taught peaceful mediation and communication skills.

On motion by Commissioner Hartung, seconded by Commissioner Jung, which motion duly carried, it was ordered that Consent Agenda Items 6A1 through 6H2 be approved. Any and all Resolutions or Interlocal Agreements pertinent to Consent Agenda Items 6A1 through 6H2 are attached hereto and made a part of the minutes thereof.

**BLOCK VOTE – 8, 10, 11, 12**

**11:30 a.m.**      **Commissioner Jung made a motion for the Block Vote but left the meeting prior to the vote.**

**18-0077**      **AGENDA ITEM 8** Recommendation to approve the updated Washoe County grant management conflict of interest policy; and guidelines for requesting and accepting donations. Manager. (All Commission Districts.)

There was no public comment on this item.

On motion by Commissioner Jung, seconded by Commissioner Hartung, which motion duly carried with Commissioner Jung absent, it was ordered that Agenda Item 8 be approved.

**18-0078**      **AGENDA ITEM 10** Recommendation to approve Washoe County American with Disabilities Act Policy. Human Resources. (All Commission Districts.)

There was no public comment on this item.

On motion by Commissioner Jung, seconded by Commissioner Hartung, which motion duly carried with Commissioner Jung absent, it was ordered that Agenda Item 10 be approved.

**18-0079**      **AGENDA ITEM 11** Recommendation to approve receipt of AB 519 funding through the Nevada Secretary of State grant, retroactive July 1, 2017 through June 2019, in the amount of \$1,700,000 [no County match required] for the purchase of voting system hardware and software for the Registrar of Voters Office; approve interfund appropriation transfers to track grant and capital funds; and direct the Comptroller's Office to make the necessary appropriation transfers and budget amendments. Registrar of Voters. (All Commission Districts.)

There was no public comment on this item.

On motion by Commissioner Jung, seconded by Commissioner Hartung, which motion duly carried with Commissioner Jung absent, it was ordered that Agenda Item 11 be approved and directed.

**18-0080**      **AGENDA ITEM 12** Recommendation to approve the purchase of a three-year licensing renewal, retroactive from January 15, 2018-January 14, 2021 for McAfee Endpoint Security Software Suite at a cost of [\$257,256.50] from CDW Government. Technology Services. (All Commission Districts.)

There was no public comment on this item.

On motion by Commissioner Jung, seconded by Commissioner Hartung, which motion duly carried with Commissioner Jung absent, it was ordered that Agenda Item 12 be approved.

**18-0081**      **AGENDA ITEM 9** Acknowledge update from staff and provide possible direction to staff on Citizen Advisory Board (CAB) program. Action may include adoption of new CAB meeting schedule beginning March 2018, as well as direction to: develop a policy relating to General Improvement District members ability to sit on CABs, increase training opportunities for CAB members at CAB meetings, improve the notification process for CAB meetings, facilitate planning staff attendance at relevant CAB meetings and CAB member access to planning staff members in the pre-meeting period, provide appropriate audio and visual equipment at CAB

meetings, improve access to venues hosting CAB meetings, and develop alternative channels of communications between the public and commissioners for matters of interest to the CABs that are not related to particular development or land use proposals. Community Services. (All Commission Districts.)

Assistant County Manager Dave Solaro conducted a PowerPoint presentation with the following slides: What is a CAB; CAB Bylaws updated after direction from the BCC, May 12, 2015; Concerns heard about the current program; Requests from CAB Chair input meeting; Proposed program enhancements; What do the enhancements not offer; and Staff Recommendations.

Mr. Solaro reviewed the Nevada Revised Statute (NRS) definition of a Citizen Advisory Board (CAB) and said in Washoe County they were used by the Board of County Commissioners (BCC), the Planning Commission, and the Board of Adjustment (BOA) to gather information from the public. He noted he received feedback from citizens that they wanted presentations from the Regional Transportation Commission (RTC) and the Nevada Department of Transportation (NDOT), agencies over which the CABs had no advisory capacity.

Mr. Solaro noted the BCC updated its CAB bylaws in 2015 and, while CABs occasionally gathered information about what other jurisdictions were doing, their primary target was Washoe County's needs and interests. He reviewed the concerns about the current CAB program and went over the requests made by the CAB chairs. He mentioned CAB meetings were subject to Open Meeting Law, making it difficult to discuss items that were not on the agenda. He indicated the requests from the CAB chairs that staff felt it could provide were shown on the presentation in bold.

Mr. Solaro stated the new CAB schedule was based on proposed development, prior CAB meeting attendance, and the number of cancelled meetings. The new schedule would align with planning division intake dates so all developments could be heard at CAB meetings. He noted the County would train chairpersons how to run meetings, as well as training staff on how to present. They would also better inform the community as to the purpose of CABs. He indicated having staff present at meetings would allow the CAB to understand what action was sought by an applicant. He felt moving the responsibility of the CABs to the Community Services Department (CSD) would help with generating agendas, noticing the meetings, and gathering information.

Mr. Solaro stated utilizing the Washoe 311 system for public comments would allow staff to either answer the constituents' concerns if applicable or send the feedback out to the proper outside agency. He mentioned people had often complained about the length of CAB meetings. While there could be an occasional community-based need for information that would result in an informational update, CABs were intended to gather community input for things over which the County's boards had purview. He said meetings could not be guaranteed because if there were no development projects to be discussed, holding a meeting anyway would be a waste of taxpayer money.

Mr. Solaro stated scheduling some CABs to meet monthly while others met quarterly was based on staff's idea of where development would occur. In areas where meetings were only scheduled quarterly, special meetings could be set up for specific development projects. Regarding General Improvement District (GID) members serving on CABs, he noted there was no NRS provision limiting someone from doing so and it would come down to a policy by the BCC.

Commissioner Jung said it should be up to the Commissioner who was liaison to that CAB whether they wanted a GID member. Mr. Solaro responded the issue came about when a CAB member was then elected to a GID. Commissioner Jung said she was okay with it either way. She said a Commissioner could remove someone in that situation if they chose to but it should be their choice.

Commissioner Hartung agreed with Commissioner Jung, mentioning a CAB member should not be taken off the CAB if they ran for political office. He added the Commissioners served on boards while they ran for office. He stated the responsibility for CABs belonged with CSD. He suggested there should be an opportunity for other agencies to speak during meetings, such as in a situation where the Sheriff's Office (SO) needed to address a rash of car burglaries. He added citizens wanted to discuss concerns like fire safety and defensible space. He recommended having a placeholder item on the agenda in case an issue needed to be addressed and leaving it up to the outside agencies as to whether they would speak.

Commissioner Hartung praised Planning Manager Bob Webb for the training he used to provide to CABs. He felt many CABs did not know how to run a meeting and did not know what they were allowed to do. Mr. Solaro said part of the new process was to focus training on what was currently lacking. Commissioner Hartung said with proper meeting management training CABs could come up with solutions even in the face of tough decisions. He commented developers used to see CABs twice for each proposal and getting a CAB's blessing made the process much easier. When asked about discussing the BOA and the Planning Commission, Mr. Solaro replied staff needed to solidify how development projects flowed through the CABs first before addressing those other boards. Mr. Solaro stressed the importance of educating the community since they did not understand the process. He affirmed Commissioner Hartung's assertion that if a development project was rejected by a CAB, it moved to the Planning Commission since the CAB was an advisory board.

Commissioner Herman thanked Deputy District Attorney Paul Lipparelli for the training presentations he made at CAB meetings. She expressed concern that some CABs did not hear presentations about development projects because the timing was off. She recommended District 5 be given twelve meetings and Mr. Solaro confirmed the staff proposal included monthly meetings for the North Valleys CAB. Commissioner Herman wanted the West Truckee Meadows/Verdi Township CAB to have six meetings. She suggested the Spanish Springs and Warm Springs CABs merge and have monthly meetings, which would eliminate the chance of development projects being missed.

Chair Berkbigler opined the function of CABs could be broadened from just discussing planning projects. She mentioned Verdi did not have many development projects happening but it had the Truckee River running through it. Though there was little development happening, issues such as flood control could impact future development projects and she felt those issues should be allowed to be put onto an agenda. Mr. Solaro repeated that the County sought to gather community input in matters where the County could affect change. Commissioner Berkbigler thought fire issues in Verdi could be placed on an agenda because people in the West Valleys would be interested in discussing plans for fire protection. She stressed fire protection and flood issues could impact development at some point in the future. Regarding having GID members on a CAB, she expressed concern about a prior situation where a CAB chairman ran for the BCC. Outside that circumstance, she supported it.

Commissioner Jung disagreed with Chair Berkbigler and felt community forums could be put together in reaction to emerging community items. She expressed concern about using taxpayer money to do someone else's job, saying the SO, RTC, and NDOT could host their own forums to address community issues. She felt holding CAB meetings just for those purposes was not an effective use of resources, especially since the County had a balanced budget. She said Washoe 311 could inform the Board when an issue arose and the affected Commissioner could hold a forum where many topics could be addressed. Chair Berkbigler clarified she did not intend to hold presentations just to have presentations, but there were issues that impacted the County's bottom line. She reminded Commissioner Jung the BCC was also the Board for the Truckee Meadows Fire Protection District.

Commissioner Lucey stated the requirement of the Open Meeting Law precluded CAB meetings from integrating a discussion format but forums were not subject to Open Meet Law. He emphasized the benefit to citizens of district forums. When asked how quickly staff could put together a community forum from the initial request, Mr. Solaro replied likely within three to five business days pending securing a meeting place and noticing the public. Commissioner Lucey noted the wide range of topics and speakers he facilitated at community forums. He admitted the public felt their voices were not heard in a forum since topics were not put onto an agenda, but he disagreed saying citizens talked directly to the County in a forum setting. He claimed CAB meetings used to run for six hours and liked the way they were now. He agreed with Commissioner Jung's point about other agencies like RTC hosting their own forums. He felt the County could suggest and participate in other agencies' charrettes but mediating them would be a waste of taxpayer dollars.

Commissioner Hartung reiterated his desire that an emergency item be placed on an agenda to allow police and fire agencies to speak if needed. He agreed six-hour meetings did not produce forward progress and referred to CAB members as citizen planners. He admitted CAB meetings were good places to get updates from the Flood Management Authority and NDOT but advocated for Commissioners putting together events to discuss safety throughout the community.

On the call for public comment, Ms. Tammy Holt-Still read from the NRS and said changing the CABs would limit the advice the County received. She said CAB meetings were on the record and they were held at a time when citizens could attend without taking time off work.

Mr. Ray Lake, Chairman of the North Valleys CAB, said the work of the Stead Airport, the RTC, and NDOT affected development and future planning. He said it was irresponsible and unsafe to approve any additional development until Route 395 was enhanced to support the traffic. He added even though the Stead Airport was in the City of Reno's jurisdiction, it still impacted development. He indicated a representative from the Reno Police Department spoke quarterly at Reno Neighborhood Advisory Board (NAB) meetings and he expressed interest in hearing from the SO.

Mr. Garth Elliot indicated he changed his mind about community forums and he thought they were good idea. Many issues brought up at CAB meetings could be addressed in community forums. He said he was not sure when the change to use CABs only to discuss development and land use happened. He indicated citizens attended when the police and fire departments spoke and he wished the Sun Valley CAB could have more than four meetings.

Commissioner Jung responded to Mr. Elliot's comments by saying since the North Valleys were identified in the regional plan as an area of growth, she anticipated having monthly CABs to allow the developers to talk to citizens. Any change in the regional plan could change how often certain CABs met and she felt there would be many meetings in areas experiencing an influx of development.

Commissioner Hartung stated he was involved with CABs since the early 1990s and it was always about development and planning. He said the purpose of CABs was to guide growth in a managed way and it was a great place for planning to start. CAB meetings allowed citizens to ask applicants tough questions without the applicant being able to stop the meeting if things got difficult. He implored the Board to continue on the direction the County was heading regarding CABs.

Deputy District Attorney Paul Lipparelli noted while state law did not impose restrictions on what a CAB could discuss, the board that created the CAB could define the way it worked within the County. He indicated certain development proposals were required by state law to be heard at a meeting in the neighborhood where the proposed change was to take place. It was allowable and appropriate to use CABs to satisfy that obligation on certain development approvals. He pointed out since CABs were public bodies they were required to follow laws governing Open Meeting Law, public records, and ethics. He said the District Attorney's office was happy to perform preventative training but they were not set up to staff CAB meetings. The danger of violating Open Meeting Law was the individual who violated the law could be independently prosecuted and fined. The more meetings that were held, the more exposure there was to that risk.

Commissioner Herman said residents had been attending NABs to obtain information. She praised recent joint meetings between the CABs and the NABs and wondered what the cost was to the County for those. She felt people giving their opinions at CAB meetings helped shorten BCC meetings. She remarked the location of the most recent joint meeting was centrally-located and was a better place to hold CAB meetings.

Commissioner Jung recommended citizens ask a representative from the Reno City Council if they would appoint someone from unincorporated Washoe County to be on the NAB board since many development proposals affected citizens of both entities.

Commissioner Hartung mentioned the City of Sparks had Citizens Advisory Councils that were structured differently in terms of membership. He had appointed several citizens who lived in Sparks to the CAB because they already interacted with County resources. He wondered how the County could work with citizens of Sparks in that capacity since they did not have an advisory board system.

On motion by Commissioner Lucey, seconded by Commissioner Jung, which motion duly carried, it was ordered that the County maintain its current course regarding CABs, that the BCC allow GID members to potentially sit on CABs, that the County continue to increase training opportunities for CABs, and that the County improve the notification process and facilitate planning staff attendance at relevant CAB meetings.

**12:36 p.m. The Board recessed.**

**12:38 p.m. Vice Chair Jung reconvened the meeting with Chair Berkbigler absent.**

**18-0082** **AGENDA ITEM 18** Possible Closed Session for the purpose of discussing labor negotiations with Washoe County and Truckee Meadows Fire Protection District per NRS 288.220.

**12:39 p.m.** On motion by Commissioner Lucey, seconded by Commissioner Hartung, which motion duly carried with Chair Berkbigler absent, it was ordered that the meeting recess to a closed session for the purpose of discussing negotiations with Employee Organizations per NRS 288.220.

**12:40 p.m. The Board recessed.**

**1:47 p.m. The Board reconvened with all Commissioners present.**

**18-0083**      **AGENDA ITEM 13** Recommendation to adopt a resolution declaring that tracts of land owned by Washoe County within the proposed Business Improvement District in the downtown area of the City of Reno are specially benefitted by the Downtown Reno Business Improvement District pursuant to NRS 271.040(2), and other matters properly relating thereto. District Attorney. (All Commission Districts.)

County Manager John Slaughter noted the Board had received two presentations on the topic and most recently the Board authorized the Chair to sign the petition for the County's participation.

Deputy District Attorney Paul Lipparelli stated when a Special Assessment District (SAD) was created, any local governments who owned property that was subject to assessment needed to opt into the SAD. The Resolution was a device by which the County could subject itself to assessments that would ordinarily not apply.

Commissioner Hartung asked for an update on Commissioner Lucey's suggestion that the City of Reno help pay the assessments for non-profit companies. Commissioner Lucey responded there were brief discussions with members of the Business Improvement District (BID) but no formal action had been brought to the City of Reno. He felt it would not be a proposal they would entertain but he said they had not taken it under formal consideration. He pointed out the Resolution was for the County to participate in the BID and Reno would vote on a Resolution on January 24.

Mr. Lipparelli agreed the City of Reno had legal steps yet to take but he confirmed they already adopted a Resolution opting into the BID. Regarding the subsidy of non-profit organizations, he would not advise the County or City pay the assessment of any group or person, but he mentioned the County and City were active in making grants to non-profit agencies which could help those companies with their costs.

Commissioner Lucey added there had been discussions about measures to ask for donations from other private entities to cover those assessments. Mr. Lipparelli affirmed Chair Berkgigler's point that if the item were approved, items such as grants could return at a different meeting for discussion.

Commissioner Jung said the non-profit organizations would benefit from the revitalization of the downtown area.

There was no public comment on this item.

On motion by Commissioner Jung, seconded by Commissioner Lucey, which motion duly carried, it was ordered that Agenda Item 13 be adopted.

**18-0084**      **AGENDA ITEM 14** Possible action to introduce and conduct a first reading of an Ordinance to amend the Washoe County Code, Chapter 5 - Administration and Personnel - by repealing provisions relating to the family and medical leave act (FMLA) at section 5.270, and if introduced, set a public hearing for the second reading and possible adoption of the Ordinance for February 13, 2018. Human Resources. (All Commission Districts).

The Chair opened the public hearing by calling on anyone wishing to speak for or against adoption of said Ordinance. There being no response, the hearing was closed.

Nancy Parent, County Clerk, read the title for Bill No. 1795.

Bill No. 1795 was introduced by Commissioner Jung, and legal notice for final action of adoption was directed.

### **PUBLIC HEARINGS**

**18-0085**      **AGENDA ITEM 15** Second reading and adoption of an ordinance amending Washoe County Code Chapter 55 by separating exotic animals into a three-tiered classification system; by exempting tier 1 exotic animals from the exotic animal permit process; by requiring persons wishing to possess tier 2 or tier 3 exotic animals to obtain an exotic animal permit; by amending provisions related to the application for an exotic animal permit, the processing of an exotic animal permit, the requirements of and conditions imposed upon an exotic animal permit, the approval or denial of an exotic animal permit, the revocation of an exotic animal permit, and the appeal process; by modifying minimal structural enclosure requirements for primates, felines, canines, reptiles, bears, hoofed animals, marsupials; by amending provisions related to the impoundment of exotic animals; and by adding and revising various definitions, and all other matters properly relating thereto. (Bill No. 1794) Animal Services (All Commission Districts)

The Chair opened the public hearing by calling on anyone wishing to speak for or against adoption of said Ordinance.

Nancy Parent, County Clerk, read the title for Ordinance No. 1609, Bill No. 1794.

Commissioner Hartung pointed out the language in the ordinance required \$25,000 insurance coverage for each Tier 2 animal and a \$250,000 policy for each Tier 3 animal. Director of Animal Services Shyanne Schull responded there was discussion during the first reading of the ordinance but there was no clarification as to whether it was direction or merely discussion. She confirmed the code language was per-animal but

noted that insurance policies varied depending on the type of animal. Commissioner Hartung said he thought the direction given was insurance per-permit but Commissioner Jung said the direction was per-animal. Commissioner Hartung said he could not support that provision.

Mr. Bill Maggiora provided a handout which was distributed to the Board and placed on file with the Clerk. He pointed out citizens tolerated the risk of dog bites without insurance until the dog was proven to be dangerous. He suggested asking Animal Services for evidence of risk to support the tier assignments. He commented public safety was not a valid excuse for Tier 3 insurance requirements without proof of a greater threat than a dog. He asked for evidence of prairie dog, capybara, or opossum attacks that resulted in death, injury, or insurance claims. He requested caps for insurance be set on a per-species basis and be subject to appeal.

Mr. Tim Stoffel pointed out the insurance required for a coati that had no history of attacking people would cost enough to pay for three years of food. He mentioned Clark County passed a strangulating ordinance that caused many residents to leave the county and others to hide their animals. He remarked the Lion Habitat Ranch could no longer breed animals so when their animals died they would go out of business. He requested Washoe County needed to make the ordinance right rather than pass it and revise it later.

Mr. Garth Elliot was called but was not present to speak.

Mr. Sam McCall expressed concern about the liability insurance requirement for several Tier 2 species. He noted he already had to go through the Nevada Department of Wildlife (NDOW) for his exotic rodents, some of which were found naturally in the state, and he already had to pay permitting fees for those animals. He said he could not afford to pay insurance for all his degus, prairie dogs, and ground squirrels. He felt animal owners would have to give up their pets or move out of the County even if the animals were already regulated by the state.

Ms. Jill Dobbs, Executive Director of the SPCA of Northern Nevada and member of the Washoe County Regional Animal Services Advisory Council, reminded the Board of its mission. She felt the code amendments addressed many of the opposition's concerns while remaining true to the objective of public safety. She urged the Board vote yes on the amendments.

Mr. Phil Goss, President of the United States Association of Reptile Keepers, provided a handout which was distributed to the Board and placed on file with the Clerk. He indicated the insurance pricing would be very high for small exotic animals and non-venomous reptiles and he felt people would not comply with the ordinance if passed. He noted twelve specialists including some with PhDs voiced their opposition to the ordinance and he asked the Commissioners to reconsider their votes.

Mr. Bob Pelton stated the last time this item was heard the consensus was to remove raptors from the text entirely, but they were still listed as a Tier 1 animal. He stated from 2010 to 2014 NDOW worked with falconers to draft regulations that falconers abided by. He explained the difficult process a person must follow to possess a raptor and noted owners were governed by the US Fish and Wildlife Service. He requested raptors be removed from the Tier 1 list.

Ms. Cathy Brandhorst spoke about matters of concern to herself.

Mr. John Potash mentioned he sent emails to the Commissioners with recommendations for changes to the ordinance. He recommended an exotic license or permit for Tier 2 animals, which he claimed were no more dangerous than a golden retriever. He stated the only need for liability insurance would be for animals used in a public setting but the need was non-existent for animals kept in proper caging. He suggested staff work with the expert biologists at the University of Nevada Reno.

Mr. Mauricio Durán stated the tier system needed to be built with common sense. He said the Board was told during the first hearing that the State of Nevada did not have regulations against exotic animals but he alleged it did. He felt supporters of the ordinance were responding out of fear and said dogs reacted more unpredictably than rattlesnakes. He added that opponents to the ordinance did not want to be lawless; they wanted regulations that demonstrated common sense.

County Clerk Nancy Parent announced she was provided with nine emails from the public which were placed on file with the Clerk.

Commissioner Lucey indicated the policy had been well-vetted and discussed many times. He remarked he had discussions with the Eureka County Commission as well as State Department of Agriculture veterinarian Dr. JJ Goicoechea, who felt it was appropriate to move forward with the proposed code as written. Commissioner Lucey cited incidents in Nye and Parump Counties involving owners of big cats acting on their own. He mentioned Dr. Goicoechea even endorsed the spay and neuter provision that was removed. He stated while there were individuals who managed large and exotic animals in a responsible way, there were many bad actors who continued to raise and breed animals illegally. He said residents with breeding capabilities for personal gain should be challenged. He thought the ordinance as drafted was suitable and the insurance requirements were reasonable.

Commissioner Herman remarked it was an unconstitutional thing to do to animal owners and said they should revisit the ordinance with input from everybody. She indicated there was poor information in the ordinance and she did not want to be a part of something that would hurt people. She wanted to see the ordinance rejected and reworked, and she said she would vote against it.

Chair Berkgigler reviewed the Board changed the appeal time to 30 days and removed the spay and neuter regulations. She asked if moving raptors into Tier 1 was

the same as moving them out of regulation since permitting was not required for Tier 1. Ms. Schull said they were moved to Tier 1 because they were still exotic animals according to the definition in code but Animal Services did not wish to permit and regulate them. Ms. Schull confirmed Chair Berkbigler's assumption that they were regulated by the state. When asked by Chair Berkbigler about the cost of insurance policies, Ms. Schull replied a presentation given to the Board several years prior estimated the cost of insuring a Tier 2 animal was between \$400 to \$600 a year, and between \$1,300 and \$5,000 annually for Tier 3 depending on the animal.

Chair Berkbigler asked whether the County would consider accepting the licenses or permits issued by the State for certain animals rather than requiring additional approval from the County. Ms. Schull replied the County's permit system would be in addition to state or federal guidelines. She added there were some animals that were required to have permission from NDOW in order to be kept in the County. When asked about the discussion of permits versus licenses, Ms. Schull answered in 2016 they entertained the idea of a special use permit through the Community Services Department; it was ultimately determined not to be the most streamlined process.

Regarding an email received from an Ohio resident, Chair Berkbigler asked whether a resident would need a license from the County in order to foster a sick puppy if they already had three dogs. Ms. Schull replied they would be required to obtain a variance permit if they were going to have the animal for more than 30 days. Chair Berkbigler expressed reservation about that.

Commissioner Hartung expressed concern that a person having three Burmese pythons would be required to pay an estimated \$1,500 a year. Ms. Schull responded it would depend on how the insurance company wrote their policies but pointed out the County's dangerous dog code required a \$250,000 liability insurance policy per dog. Commissioner Hartung said he felt all animals were not as dangerous as dogs. He thought the Board agreed to require a \$250,000 policy per permit.

Commissioner Lucey indicated Burmese pythons did not qualify under Tier 2 until they grew greater than 12 feet in length and in excess of 330 pounds. Ms. Schull clarified the tier assignments were given based on the sizes of fully matured animals. Commissioner Lucey still felt the ordinance was not onerous and animal owners needed to know the costs of owning an exotic animal up front. He made a motion to accept Ordinance 1609 as drafted.

Commissioner Jung commented she owned many exotic animals and provided for them responsibly. She said the County was coming into compliance at the state's direction. She asked for a quarterly report from Ms. Schull including the number of applicants, any issues that surfaced, and the number of individuals not in conformance both before and after the passing of the ordinance.

Deputy District Attorney Paul Lipparelli asked whether the motion was to adopt the ordinance, not just accept, and Commissioner Lucey replied it was to adopt

Ordinance 1609. Chair Berkbigler asked whether Commissioner Jung's request for a report needed to be added to the motion, to which Mr. Lipparelli said he did not construe it as part of the motion and Commissioner Jung could follow up on that in future meetings.

On motion by Commissioner Lucey, seconded by Commissioner Jung, which motion duly carried with Commissioners Hartung and Herman voting "no", Chair Berkbigler ordered that Ordinance No. 1609, Bill No. 1794, be adopted, approved and published in accordance with NRS 244.100.

**18-0086**      **AGENDA ITEM 16**      Second reading and adoption of an ordinance amending Washoe County Code Chapter 55 by vacating the Animal Control Board; by labeling the existing permit to keep more than three adult dogs and/or seven adult cats within the congested areas of the county a "variance" permit; by amending provisions related to the application for a variance permit, the processing of a variance permit, the requirements of and conditions imposed upon a variance permit, the approval or denial of a variance permit, the revocation of a variance permit, and the appeal process; and by modifying containment requirements for keeping more than three adult dogs and/or seven adult cats, and all other matters properly relating thereto. (Bill No. 1793) Animal Services (All Commission Districts)

The Chair opened the public hearing by calling on anyone wishing to speak for or against adoption of said Ordinance.

Nancy Parent, County Clerk, read the title for Ordinance No. 1610, Bill No. 1793.

Mr. Tim Stoffel stated he was on the Animal Control Board for two years and said any instances where that board did not approve a permit recommended by Animal Services were due to biased members. He alleged the Humane Society of the United States was the driving force behind most of the legislation being heard. He felt anyone wanting more than three dogs or seven cats would have to go to court and expressed frustration at the proposed dissolution of the Animal Control Board.

Mr. Bill Maggiora opposed vacating the Animal Control Board because the only alternative beyond Animal Services was to go to court. He said Animal Services could recommend rejection of an application even though it complied with all requirements. The Animal Control Board provided a cheaper alternative to contest a rejection.

Mr. Garth Elliot was called but was not present to speak.

Mr. Sam McCall noted many people did not have the required permits because they were rejected by Animal Services. He alleged animal rights websites

recommended refusing permits. He claimed only ten people had permits though more had applied. He cautioned vacating the Animal Control Board would give control to a small group of people and there would be no ability to review decisions.

Ms. Cathy Brandhorst spoke about matters of concern to herself.

Commissioner Hartung thought the Board removed the clause requiring the spaying and neutering of all dogs and cats in deference to breeders and referenced the corresponding language in the staff report. Ms. Schull explained Commissioner Hartung was looking at the history of the ordinance and the Board recommended removing the spay and neuter requirement. The only change in the language was to change the amount of time to file an appeal of a revoked permit from 14 days to 30 days.

Commissioner Jung stated the ordinance would allow for better government oversight since there would be elected officials on the Board who also considered the budget. She said it was important for the County to be good stewards of tax dollars.

On motion by Commissioner Jung, seconded by Commissioner Lucey, which motion duly carried with Commissioners Hartung and Herman voting “no”, Chair Berkbigler ordered that Ordinance No. 1610, Bill No. 1793, be adopted, approved and published in accordance with NRS 244.100.

**18-0087**      **AGENDA ITEM 17** Discussion and update pertaining to the Board of County Commissioners Quarterly Dashboard Report. Manager. (All Commission Districts.)

County Manager John Slaughter noted there was no need for discussion; the Board just needed to approve the report.

There was no public comment on this item.

On motion by Commissioner Hartung, seconded by Commissioner Lucey, which motion duly carried, it was ordered that Agenda Item 17 be approved.

**18-0088**      **AGENDA ITEM 19** Public Comment.

Tammy Holt-Still said the County should review surveys done by the Truckee Meadows Regional Planning Agency before spending money on their own. She did not agree with the comparison previously made between Honey Lake and Swan Lake, and provided differences between the two lakes. She expressed frustration with the handling of Lemmon Valley residents and asked the Board to work with them.

Ms. Cathy Brandhorst spoke about matters of concern to herself.

Mr. Phil Goss agreed with Commissioner Lucey's comment about bad actors amongst animal owners but he felt the ordinance would punish people who wanted to comply. He said the people who spoke against the ordinance were not radicals who opposed everything; they wanted common sense regulations. He hoped the per-animal insurance policy requirement could be revisited.

**18-0089**      **AGENDA ITEM 20** Announcements/Reports.

There were no announcements or reports.

\*   \*   \*   \*   \*   \*   \*   \*   \*   \*   \*

**3:05 p.m.**      There being no further business to discuss, the meeting was adjourned without objection.

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**MARSHA BERKBIGLER**, Chair  
Washoe County Commission

ATTEST:

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**NANCY PARENT**, County Clerk and  
Clerk of the Board of County Commissioners

*Minutes Prepared by:  
Derek Sonderfan, Deputy County Clerk*

RESOLUTION

A Resolution Requesting the Assistance of the Attorney General in the Prosecution of James Upton Due to a Potential Appearance of Impropriety and Other Matters Properly Related Thereto

WHEREAS, the Office of the District Attorney is responsible for the prosecution of certain criminal offenses which have occurred within the County of Washoe; and

WHEREAS, the District Attorney's Office has received a case from the Reno Police Department involving a field arrest of James Upton in September of 2017 for shooting another person and potential prosecution for battery with a deadly weapon; and

WHEREAS, it is essential in our judicial system that the decisions and conduct of the prosecutor remain free of any appearance of conflict of interest or impropriety;

WHEREAS, the Washoe County District Attorney prosecuted Wayne Burgarello in 2015 for various crimes including murder for shooting two trespassers on his rental property;

WHEREAS, James Upton was the foreperson of the jury which found Mr. Burgarello not guilty in a case which involved issues of the proper use of a weapon and self-defense;

WHEREAS, after the Burgarello not guilty verdict Mr. Upton met with representatives of the Washoe County District Attorney and discussed the case including the concept of self-defense; and

WHEREAS, if the Washoe County District Attorney's Office proceeds with the prosecution of James Upton there may be a suggestion of impropriety or conflict of interest arising from Mr. Upton's role as a juror in the Burgarello case and Mr. Upton's views or understanding of self-defense.

18-0066

NOW, THEREFORE, be it resolved by the Board of Commissioners of Washoe County as follows:

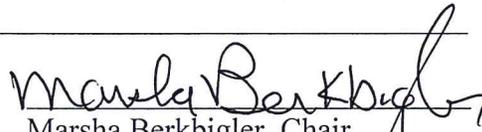
1. That in accordance with the provisions of NRS 228.130 the Nevada Attorney General is hereby requested to assume complete responsibility for the handling of the criminal prosecution in the case of James Upton arising from his September 2017 arrest potentially involving the charge of battery with a deadly weapon.

2. That should the Attorney General agree to assume responsibility for the handling of the aforementioned case, the Comptroller of Washoe County will, upon submission of a duly verified claim, pay from the general fund of Washoe County all expenses that the Attorney General incurs in the prosecution of said case.

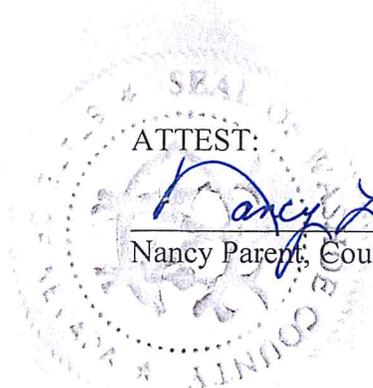
[Business Impact Note: The Board of County Commissioners hereby finds that this resolution does not impose a direct and significant economic burden upon a business, nor does it directly restrict the formation, operation or expansion of a business.]

ADOPTED this 23<sup>rd</sup> day of January, 2018 by the following vote:

AYES: Berkbigler, Jung, Lucey, Hartung, & Herman  
NAYS: none.  
ABSENT: none.  
ABSTAIN: none.

  
Marsha Berkbigler, Chair  
Washoe County Commission

ATTEST:  
  
Nancy Parent, County Clerk



**RESOLUTION** – Declaring that tracts of land owned by Washoe County within the proposed Business Improvement District in the downtown area of the City of Reno are specially benefitted by the Downtown Reno Business Improvement District pursuant to NRS 271.040(2), and other matters properly relating thereto.

**WHEREAS**, Through the “Consolidated Local Improvement Law” (Chapter 271 of the Nevada Revised Statutes), counties, cities and towns are allowed to form Neighborhood Improvement Projects for the improvement of an area by providing promotional activities (see NRS 271.147(2));

**WHEREAS**, A “promotional activity” includes “providing services related to security, sanitation, the removal of graffiti, the cleaning of streets and sidewalks and providing other municipal services that are supplemented to those typically provided by the municipality” (NRS 271.178);

**WHEREAS**, The Downtown Reno Business Improvement District (BID) is intended to be a private sector led and managed Neighborhood Improvement Project under NRS Chapter 271 with the following objectives:

1. *Stabilize Downtown Streets*: Provide advocacy, leadership, and services that address downtown’s most pressing challenges/opportunities, such as improving public safety, reducing homelessness, enhancing cleanliness, increasing mobility (transportation and access), and activating quality public spaces.
2. *Economic and Community Development*: Increase business activity for existing operators and attract new investment to downtown through housing, economic development, and diversification initiatives. Enhance property values, sales and occupancies.
3. *Unified Voice and Champion for Downtown*: Align existing groups to speak with a single unified voice on behalf of downtown.
4. *Accountability*: Offer accountability to ratepayers through a property and business owner-managed governance structure;

**WHEREAS**, The Downtown Reno BID will encompass a large area in downtown Reno bounded roughly by Interstate 80-9<sup>th</sup> Street to the North; Wells Avenue to the East; Truckee River, California Avenue and Moran Street to the South; and Keystone Avenue to the West;

18-0083

**WHEREAS,** The Downtown Reno BID will offer the following levels of service to properties within the proposed BID service area:

1. *Standard Services* will include a “clean and safe” program that deploys teams of safety ambassadors and maintenance patrols throughout the downtown. Ambassador services will include quality of life crime deterrence, engagement of the homeless population, on-demand safety escorts, ongoing public engagement, and a hospitality services. These services will augment supplemental City of Reno police services, including foot and boke patrol that will be supported by BID funds. District-wide maintenance services will include, but not limited to “on-demand spot cleaning” throughout downtown. In addition, the program will include support for a downtown management organization providing leadership, economic development, communications, marketing services, and advocacy to advance issues and policies that benefit downtown and improve the area’s overall image and appeal for employees, visitors, and residents.
2. *Premium and Premium-Plus Services* will add maintenance patrol concentrated within the core of downtown providing periodic removal of litter, weeds, and graffiti; cleaning of public furniture and fixtures; power washing; and special maintenance needs as they arise. The Virginia Street corridor will receive daily maintenance services and properties along this corridor will pay a higher “premium-plus” service rate;

**WHEREAS,** The BID operating budget is distributed on a cost allocation basis to a database that contains assessed valuations and linear street frontage for all *assessable properties* within each service zone;

**WHEREAS,** Pursuant to NRS 271.040, “assessable property” means the tracts of land specially benefited by the Downtown Reno BID, excluding land owned by Washoe County; and,

**WHEREAS,** Under NRS 271.040(2), the County may opt in to pay its fair share of assessment, but is not required to do so by the statute,

**NOW THEREFORE BE IT RESOLVED,** By the Board of County Commissioners of Washoe County that:

**Section 1.** The foregoing recitals are true and correct and are incorporated by reference.

**Section 2.** The tracts of land owned by Washoe County within the proposed service area provided are specially benefited by the Downtown Reno BID pursuant to NRS

271.040(2) because the users of county facilities on those tracts will realize the benefits of the services to be provided and the market value of the tracts will be increased.

**Section 3.** Washoe County hereby opts to pay its fair share of the assessments to be imposed by the City of Reno through the public hearing processes necessary to create the Downtown Reno BID.

**Section 3.** The Commission Chair, County Manager, members, officers, employees and agents of the County are hereby authorized and directed, jointly and severally, to do any and all things to execute, deliver and record all documents as may be required and otherwise to give effect to, carry out and comply with the terms and intent of this Resolution, and to take all necessary and appropriate actions to effectuate the intent of this Resolution.

**Section 4.** This resolution shall take effect immediately upon its passage.

ADOPTED this 23<sup>rd</sup> day of January, 2018

  
Marsha Berkbigler, Chair  
Washoe County Commission

ATTEST:

  
County Clerk

